



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: www.kbml.org

Winter 2003

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Potential Violations by Physicians Receiving Honoraria

The Board recently reviewed an invitation, extended to a physician by a pharmaceutical company, asking the physician to participate in a “feedback forum.” The physician was invited to attend the forum with 24 other clinicians. Following a buffet, another physician would present clinical information about a pharmaceutical treatment. The invited physicians would then be given an opportunity to ask questions and share ideas. Each invited physician would be paid an honorarium of \$500 for his or her “services as a consultant” at the meeting.

Following its review, the Board concluded that participation in such an activity by physicians would be unethical and would be contrary to the Board’s guidelines regarding Gifts to Physicians. The Board communicated its position to the pharmaceutical company. However, the Board has learned that, in spite of its position, physicians continue to receive similar invitations.

The Board’s guidelines are available for your review and use on the Board’s website located at kbml.org under the heading “Board Policy Statements and Guidelines” or you may contact the Board’s office for a copy. The Board would like to take this opportunity to relay its position on this issue to all licensees. The Board would also caution that accepting payment for participation in such events is unethical and may result in disciplinary action against your medical or osteopathic license, pursuant to KRS 311.595(9), which prohibits “dishonorable, unethical, or unprofessional conduct.”

Renewal of Medical License for 2003

The 2003 annual renewal forms were mailed in December and a reminder letter will be sent in February to physicians who have not responded. The \$125.00 renewal fee is due by March 1, 2003. To avoid paying a late fee, forms must be postmarked no later than March 1, 2003. Late registration, (after March 1, but before April 1), may be made by an additional \$50.00 penalty fee. Should you fail to register before the April 1, 2003 deadline, your license will automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine or osteopathy. Anyone registering after the April 1 deadline will be imposed an additional penalty fee. Printable 2003 annual renewal, CME and Request for CME Extension forms are available for your use on the KBML website at kbml.org.

Numerous incomplete forms, forms without payment and without the 2003 CME form have been received in the Board’s office. Incomplete forms are returned for completion prior to renewing the license. Not only is this a hardship and an expense to the Board, it also delays the timely renewal process of the medical license.

Final Disciplinary Actions

Richard W. Arnold, M.D., #18408, Harrison Co.

Agreed Order of Indefinite Restriction entered into 12-23-02.

Lewis B. Boone, M.D., #29173, Ironton, OH

Order issued 10-31-02; physician's request for modification of Agreed Order of Indefinite Restriction denied.

Joe T. Broderson, M.D. #17771, Fayette Co.

Agreed Order of Indefinite Restriction entered into 12-17-02.

Berry A. Campbell, M.D., #28208, Fayette Co.

Amended Agreed Order of Suspension; Probation entered into 11-20-02.

Steven W. Crawford, M.D., #31192, Portsmouth, OH

Agreed Order of Surrender entered into 12-11-02.

James W. Forrester, M.D., #18655, Jefferson Co.

Agreed Order of Reprimand and Fine issued 12-03-02.

David L. Harmon, D.O., #02419, Daviess Co.

Agreed Order of Probation entered into 11-21-02.

Liza Levy, M.D., #20789, Bourbon Co.

Order Terminating Probation issued 12-11-02.

Michael G. Rukavina, M.D., #29562, Fayette Co.

Agreed Order of Probation entered into 12-17-02.

Robert S. Walsh, M.D., #33255, Pike Co.

Order of Suspension and Indefinite Restriction issued 10-31-02. Suspension effective 12-01-02.

2003 Meeting Dates

January	16	Board Inquiry/Hearing Panel B
February	06	Physician Assistant Advisory Committee
	12	Advisory Council on Athletic Trainers
	20	Board Inquiry/Hearing Panel A
March	27	Kentucky Board of Medical Licensure
April	24	Board Inquiry/Hearing Panel B
May	07	Advisory Council on Athletic Trainers
	08	Physician Assistant Advisory Committee
	15	Board Inquiry/Hearing Panel A
June	26	Kentucky Board of Medical Licensure
July	24	Board Inquiry/Hearing Panel B
August	06	Advisory Council on Athletic Trainers
	07	Physician Assistant Advisory Committee
	28	Board Inquiry/Hearing Panel A
September	18	Kentucky Board of Medical Licensure
October	16	Board Inquiry/Hearing Panel B
November	05	Advisory Council on Athletic Trainers
	06	Physician Assistant Advisory Committee
	20	Board Inquiry/Hearing Panel A
December	18	Kentucky Board of Medical Licensure

Proper Disposal of Medications

Physicians frequently inquire about proper disposal of drugs, including controlled substances. There are two types of medications of which physicians may need to dispose – drugs that belonged to a patient and drugs or samples in the inventory of the physician.

Patient Medications: Physicians sometimes acquire drugs that belong to a patient either because the patient wanted to give them to someone else (didn't work, allergic, patient died, etc.) or the physician asked that they be brought to the office (to verify the count, to substantiate the need for new prescription, etc.) These drugs need to be destroyed and CANNOT legally be dispensed to another patient.

If the drug is a controlled substance, the medicine should be destroyed in the presence of the patient or legal guardian. A controlled substance that has been dispensed to a patient may only be possessed by that patient – anyone else is in “illegal possession”, which is a criminal offense. Documenting the disposal with a document can protect the physician from allegations of drug diversion. This document should include the patient's name stating that they voluntarily surrendered the medication(s) for disposal. It should include the name, strength and quantity of the drug with the patient/guardian signature and date. A statement giving the method of destruction and date should be included. This form should be witnessed with the signature of a licensed personnel and filed in the patient's record.

If the medication is not a controlled substance, possession by someone other than the patient is not a legal problem but similar documentation of the receipt and destruction is still recommended. This prevents the patient or family members from alleging that the physician is profiting from the patient's medicine.

Physician's Drugs or Samples: Physicians frequently have samples or stock drugs that expire and need to be disposed of. Physicians, hospitals, clinics or pharmacies are NOT permitted to dispose of drugs by flushing. (DEA and EPA regulation of businesses.) Besides the legal issues, there are also the liabilities involved if a person obtains the drug from your trash and then has an adverse reaction or other type of injury. This scenario is not farfetched. There have been several instances in Kentucky of people retrieving drugs from dumpsters and landfills. Therefore, drugs need to be delivered to or picked up by a hazardous waste disposal company. The following methods of disposal may be used:

Patient Owned Drugs: Patients may dispose of their own medications any way they choose. However, if this occurs in the physician's office, the drugs should be rendered unusable first. The best method for pills is to dissolve in hot water and flush down the toilet. Liquids and injectables can be flushed directly.

Physician Owned Drugs: Physicians who have drugs or samples may dispose of them by utilizing a disposal company. A list of companies who can dispose of controlled substances and non-controlled substances may be obtained at [http://chs.state.ky.us/publichealth/Programs/Drug Control](http://chs.state.ky.us/publichealth/Programs/Drug%20Control) “Disposal of Controlled Substances”.

If only non-controlled substances are involved, you may wish to talk to your current hazardous waste contractor. They may be able to take care of drugs with other items at minimal cost. Please contact the Kentucky Public Health Drug Enforcement at 502/564-7985 should you have any questions.

Note From The KY Department For Public Health On HIV/AIDS Reporting

Physicians, laboratories, and health care facilities are required by statute to report persons infected with HIV and who have developed AIDS. There are two main reasons for this. The first is to enable public health officials to develop appropriate interventions to reduce the spread of these diseases and second, to document the prevalence of these conditions. The United States pays Kentucky for medications and other services based on the incidence and prevalence of these two conditions. Because of that, under reporting translates directly to under funding.

Patients with AIDS are reported by name but persons with HIV are reported by using a unique identifier. The unique identifier is the person's initials plus the date of birth plus the last 4 digits of the social security number. Physicians who report HIV by unique identifier are required to maintain a confidential log with the name of the patient and their unique identifier.

The Department for Public Health requests that physicians report these conditions by telephone or by mail. If you practice in Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer or Trimble County, please call the HIV/AIDS surveillance representative at the Jefferson County Health Department 502/574-6574. If you practice in any other county, please call the HIV/AIDS surveillance representative at the KY Department for Public Health 502/564-6539 or 866/510-0008. To report by mail, please complete the patient-identifying information and mail it separately from the HIV/AIDS-related case data. Use double envelope packages, with both envelopes stamped “Confidential, to be Opened by Addressee Only.” To report conditions other than HIV or AIDS or to Request Emergency Consultation, call the Department for Public Health's 24 hour a day reportable disease number 502/564-3818 or 888/973-7678. For a list of reportable diseases and the requirements for reporting them, go to http://publichealth.state.ky.us/index-diseases_and_conditions.htm.

Kentucky Board of Medical Licensure

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at kbml.org

(Please Print or Type Information)

Date: _____

KY License Number: _____

Name: _____
(last) (first) (m.i.)

Mailing Address: _____
(street)

(city) (state) (zip)

KY Practice County: _____ **Office Telephone:** _____

Practice Address: _____
(street)

(city) (state) (zip)

E-Mail Address: _____

Kentucky Board of Medical Licensure

Hurstbourne Office Park
310 Whittington Parkway, Suite 1B
Louisville, KY 40222

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